

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of TexasDEC 19 2016
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTYUnited States of America
v.
Jose Guadalupe TORRES-Magana,
Patricia TORRES, and
Alfonso GOVEA

Case No.

EP-16-M-5118-MAT(1)(2)(3)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/09/2016 through 12/13/2016 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section


21 U.S.C. § 846

Offense Description

Defendant did, knowingly and intentionally conspire to commit any offense described within Title 21; to wit: 21 U.S.C. § 846 conspiracy to Possess, approximately 8.2 kilograms of cocaine.

This criminal complaint is based on these facts:

See attached.

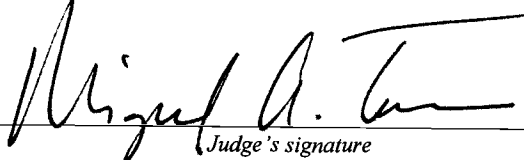
☒ Continued on the attached sheet.

Complainant's signature

Jason Grijalva, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/19/2016

Judge's signature

City and state: El Paso, Texas

Miguel Torres, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On Wednesday, November 9, 2016, a Homeland Security Investigations (HSI) Special Agent working in an undercover (UCA) capacity commenced communication with an associate of the TORRES Drug Smuggling Organization (DSO).

The following are non-verbatim summations of the statements made by the UCA and the TORRES DSO. Some communications by the parties involved were recorded.

The TORRES DSO associate was attempting to find a long haul truck driver to assist in the illicit transportation of multi-kilograms of cocaine from El Paso, Texas to Chicago, Illinois. On November 15, 2016, the associate advised the UCA that his/her associates who are the owners of the stuff, (referring to cocaine) would be willing to meet with the UCA in El Paso to further discuss the transportation transaction.

On Tuesday, November 15, 2016, the UCA commenced communication with two (2) subjects later identified as Patricia TORRES and Jose Guadalupe TORRES-Magana and agreed to meet in person to further discuss the transportation transaction. The UCA met with TORRES-Magana and TORRES at the Starbucks located at 6094 Montana Avenue, El Paso, Texas 79925. TORRES-Magana advised the UCA they would pay \$1,000.00 USD per kilogram of cocaine that is transported to Chicago. TORRES-Magana further advised the UCA that TORRES-Magana would pay \$1,300.00 USD per kilogram if the UCA transported money back. TORRES-Magana advised he will most likely start with five (5), (referring to five (5) kilograms of cocaine.) The UCA agreed. The UCA requested a deposit on the transportation fees. TORRES mentioned a deposit would be deducted from the driver fees. TORRES further advised a deposit was not necessary because they were providing and trusting the UCA with their stuff, (referring to cocaine.) TORRES advised the UCA they need to trust each other. TORRES-Magana further advised that he would need the driver to move every 15 days, (referring to transporting cocaine) to Chicago.

On Monday, November 21, 2016, the UCA and TORRES-Magana were in communication via telephone. TORRES-Magana advised the UCA he would like to introduce the UCA to TORRES-Magana's son, later identified as Alfonso GOVEA. GOVEA is the listed owner of the Pint and Peanut Public House, located at 518 West San Antonio Avenue, El Paso, Texas 79901. TORRES is listed as a corporation officer of the Pint and Peanut Public House. TORRES-Magana advised they would be ready for the party starting on Saturday with six (6) bottles (the coded conversation meant the delivery of six (6) kilograms of cocaine.) The UCA and TORRES-Magana agreed to meet on Wednesday, November 23, 2016.

On Wednesday, November 23, 2016, the UCA met with TORRES, TORRES-Magana, and GOVEA at the Bassett Place mall, located at 6101 Gateway Blvd, El Paso, 79925. TORRES-Magana and TORRES reaffirmed previous negotiations with the UCA. TORRES asked the UCA where the pickup would occur. The UCA advised TORRES a public commercial parking lot is preferred. TORRES and TORRES-Magana disagreed and advised there are too many cameras. TORRES and TORRES-Magana advised that GOVEA would be delivering the narcotics and picking the location. TORRES and TORRES-Magana advised, once at the location GOVEA would get into the UCA's vehicle and the UCA and GOVEA could drive around. TORRES-Magana invited the UCA to a party at the Pint and Peanut Public House so GOVEA and the UCA could become better acquainted.

On November 28, 2016, at approximately 12:42 p.m., the UCA met with GOVEA at the Bassett Place mall, located at 6101 Gateway Blvd, El Paso, Texas 79925. GOVEA was observed removing a white box from GOVEA's vehicle and placing the box on the UCA's back seat. GOVEA proceeded to enter the UCA's vehicle. The UCA and GOVEA drove around the Bassett Place mall parking lot as they discussed the transaction.

Special Agents later confirmed inside the white box were six (6) bundles which weighed approximately 8.2 kilograms. One random bundle was probed extracting a white powdery substance. The substance field tested positive for the properties of cocaine. HSI El Paso agents secured the 8.2 kilograms of cocaine and with the assistance of HSI Chicago agents devised an operational plan to deliver the 8.2 kilograms of cocaine to the TORRES DSO co-conspirators located in Chicago.

On November 29, 2016, the UCA met with TORRES and TORRES-Magana at 1700 North Zaragoza Road, El Paso, Texas 79925. TORRES-Magana provided the UCA \$1,000 as a transportation fee deposit. TORRES-Magana advised the UCA will get to work with large quantities, between 30-40 kilograms, (referring to kilograms of cocaine.) TORRES-Magana advised the UCA that TORRES-Magana would prefer to have two (2) truck drivers to be taking between 10-12 kilograms, (referring to kilograms of cocaine) per trip.

On December 1, 2016, Special Agents attempted to deliver the 8.2 kilograms of cocaine to Chicago co-conspirators at a Dunkin Donuts located at 2033 North Mannheim, Melrose Park, Illinois 60160. The delivery did not occur. TORRES advised the UCA to leave the cocaine in Chicago with the UCA's associate. TORRES advised she and TORRES-Magana would be traveling to Chicago in order to facilitate the delivery.

On December 5, 2016, at approximately 9:55 a.m. the UCA met with GOVEA at the Starbucks located at 6094 Montana Avenue, El Paso, Texas 79925. GOVEA provided the UCA \$5,000 as the remaining balance on the transportation fees. Almost concurrently, the delivery of cocaine in Chicago was ongoing.

On December 5, 2016, HSI Chicago Special Agents, acting in an undercover capacity delivered the 8.2 kilograms of cocaine to Alejandro Omar CUEVAS-Medina who was the driver of a gray 2006 Hyundai Tucson sport utility vehicle bearing Illinois license plate Z801766 and TORRES who was the passenger at the McDonalds located at 1023 Lake Street, Aurora, Illinois 60506. The Aurora Police Department (APD) conducted a traffic stop for failure to use a turn signal. APD Officers subsequently requested a canine unit to assist. The canine Officer observed his/her assigned narcotic detection dog alert to the presence of a controlled substance. APD Officers seized the approximately 8.2 kilograms of cocaine from CUEVAS-Medina and TORRES. APD Officers read CUEVAS-Medina and TORRES their Miranda rights. CUEVAS-Medina provided a brief statement and was arrested for driving without a driver's license. TORRES invoked her right to an attorney and was subsequently released.

Information was provided to Special Agents that TORRES, TORRES-Magana, and an unknown male associate from Guadalajara (FNU LNU), have been issuing threats to kidnap and kill the UCA. Information provided indicates the FNU LNU is the owner of the cocaine and provided the 8.2 kilograms of cocaine to the TORRES DSO.

On December 13, 2016, the UCA spoke via telephone to the FNU LNU. FNU LNU advised the UCA, that according to TORRES-Magana and TORRES, the stuff (referring to cocaine) never arrived in Chicago. The UCA advised that he did not steal the cocaine. FNU LNU advised the UCA to calm down or the UCA and his family "van a valer verga". FNU LNU threatens the UCA saying they are not a low level organization, and have enough firepower to finish off the UCA and his family. FNU LNU advised the UCA is not safe in the United States or in Juarez. FNU LNU advised the UCA it is easier to find the UCA in El Paso than in Juarez, and further stated no one is safe including the UCA's friends and family. The UCA advised FNU LNU he had a police report confirming the delivery. FNU LNU stated that the report needs to be detailed and hand delivered to TORRES today (December 13th), and if the issue is not resolved by the end of the week, FNU LNU would start killing people.

On Friday, December 16, 2016, HSI El Paso Special Agents arrested TORRES-Magana, TORRES, and GOVEA. The following will provide details on their apprehension.

At approximately 7:55 a.m., HSI Special Agents observed TORRES-Magana and TORRES depart their residence located at 11200 North Loop Drive, Socorro, Texas 79927, operating a 2008 red Ford Explorer Sport Trak bearing Texas license plate FKZ8066. At approximately 8:00 a.m., Special Agents observed TORRES-Magana and TORRES stop at the Valero convenient store located at 10790 North Loop Drive, Socorro, Texas 79927. At which point Special Agents placed TORRES-Magana and TORRES under arrest. TORRES-Magana and TORRES were transported to HSI offices for processing.

The below are interview summaries. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties in the interview room were electronically recorded. The recording captures the actual words spoken.

At approximately 9:55 a.m., HSI Special Agent Jason Grijalva and Special Agent John Flores began the interview of TORRES-Magana. Special Agent Grijalva read TORRES-Magana his Miranda Rights in the Spanish language in the presence of Special Agent Flores. TORRES-Magana stated he understood his rights and invoked his right to speak to an attorney. The interview was concluded and TORRE-Magana was placed in a holding cell.

At approximately 10:10 a.m., HSI Special Agent Jason Grijalva and Special Agent John Flores began the interview of TORRES. Special Agent Grijalva read TORRES her Miranda Rights in the Spanish language in the presence of Special Agent Flores. TORRES stated she understood her rights and invoked her right to speak to an attorney. The interview was concluded and TORRES was placed in a holding cell.

At approximately 10:36 a.m., HSI Special Agents observed GOVEA depart his residence located at 2601 Julius Boros Ct. El Paso, Texas 79936, operating a 2003 black Ford Explorer Sport Trak bearing Texas license plate CHW3008. At approximately 10:38 a.m. with the assistance of the El Paso County Sheriff's office, GOVEA was pulled over at 2614 Lee Trevino Drive, El Paso, Texas 79936. GOVEA was placed under arrest. Special Agents transported GOVEA to his residence momentarily to allow his spouse, Janet Estrada Govea, to take custody of their minor child. GOVEA was transported to HSI offices for processing.

The below is an interview summary. It is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications by the parties in the interview room were electronically recorded. The recording captures the actual words spoken.

At approximately 11:49 a.m., HSI Special Agent Jason Grijalva and Special Agent Norman Jurado began the interview of GOVEA. Special Agent Grijalva read GOVEA his Miranda Rights in the English language in the presence of Special Agent Jurado. GOVEA stated he understood his rights as per his signature and agreed to give the following non-verbatim statement, without the presence of an attorney.

Special Agents advised GOVEA he was placed under arrest for violations of conspiracy to possess kilograms of cocaine. GOVEA stated, "I don't know what you are talking about." Special Agents asked GOVEA if he had ever delivered cocaine to anyone. GOVEA stated, "No, I'm telling you I don't know what you guys are talking about." Special Agents asked GOVEA if he had ever had drugs in his vehicle. GOVEA stated, "No." The interview was concluded at approximately 12:06 p.m.

I make this affidavit on the basis on my personal knowledge and information provided to me by other law enforcement officers.